

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 9

Filed by: Merits Panel  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed: 27 May 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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WILLIAM FRANK MARTIN, RUEDIGER HAIN,  
KLAUS-GUENTHER TIETJEN, MARCO BURSCH  
and ANDREAS S. KLOTI  
Junior Party  
(Patent 6,303,365),

v.

ALBERT BORONAT, NARCISO CAMPOS  
and GANESH M. KISHORE  
Senior Party  
(Application 09/987,025).

**FAXED**

**MAY 27 2005**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Patent Interference No. 105,300

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Before: LEE, LANE and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**Judgment - Bd.R. 127(b)**

On 25 May 2005, the board received from Martin "MARTIN REQUEST FOR ENTRY OF ADVERSE JUDGMENT PURSUANT TO 37 C.F.R. 1.662(a)," in which Martin requests and agrees to entry of adverse judgment (Paper 8). Martin's request is considered a request for adverse judgment under Bd.R. 127(b), which became effective 13 September 2004 and supersedes 37 C.F.R. § 1.662(a). Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1 at 5) is awarded against junior party WILLIAM FRANK MARTIN, RUEDIGER HAIN, KLAUS-GUENTHER TIETJEN, MARCO BURSCH and ANDREAS S. KLOTI.

**FURTHER ORDERED** that junior party WILLIAM FRANK MARTIN, RUEDIGER HAIN, KLAUS-GUENTHER TIETJEN, MARCO BURSCH and ANDREAS S. KLOTI is not entitled to a patent containing claims 1, 2 and 4-13 (corresponding to Count 1) of U.S. patent 6,303,365.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/987,025 and U.S. Patent 6,303,365.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

cc (via facsimile):

Attorney for Martin:

Eric J. Kron  
ICORIA, INC.  
108 T.W. Alexander Drive, Bldg. 1A  
P. O. Box 14528  
Research Triangle Park, NC 27709

Tel: 919-425-3000  
Fax: 919-485-0812

Attorney for Boronat:

Robert E. Hanson  
FULBRIGHT & JAWORSKI LLP  
600 Congress Avenue, Suite 2400  
Austin, TX 78701-3271

Tel: 512-536-3085  
Fax: 512-536-4598